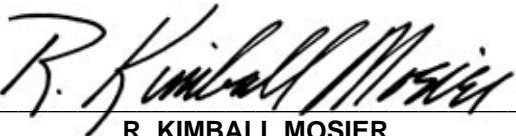


The below described is **SIGNED**.

Dated: March 18, 2011


R. KIMBALL MOSIER
U.S. Bankruptcy Judge



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re:

Christopher Troy Parkin and Jamie Ann
Parkin,

Debtors.

Bankruptcy Number: 09-33107

Chapter 7

Judge R. Kimball Mosier

Jim Lohrenz and Ruth Lohrenz,

Plaintiffs,

v.

Christopher Troy Parkin

Defendant.

Adversary Number: 10-2194

FINDINGS AND CONCLUSIONS

The trial in the adversary proceeding came before the Court on February 17, 2011.

Lincoln W. Hobbs of Hobbs & Olson, L.C. appeared on behalf of Jim Lohrenz and Ruth Lohrenz (Creditors). The Debtor, Christopher Troy Parkin did not appear.

After receiving evidence and considering the representations of counsel, the Court makes the following findings:

1. This adversary proceeding is a “core” matter within the meaning of 28 U.S.C. § 157(b)(2), and this Court has jurisdiction to adjudicate this dispute.
2. Debtor, Christopher Troy Parkin obtained money and property from the Creditors by false pretenses, false representations or actual fraud.
3. Christopher Troy Parkin made false representations to the Creditors in order to obtain money or property from the Creditors.
4. Christopher Troy Parkin made the false representations to the Creditors with an intent to deceive.
5. Creditors justifiably relied upon Debtor, Christopher Troy Parkin’s false pretenses and false representations.
6. Creditors have satisfied all of the required elements set forth in *Fowler Brothers v. Young*, 91 F.3d 1367 (10th Cir. 1996), to have their debt excepted from Christopher Troy Parkin’s discharge under 11 U.S.C. § 523(a)(2)(A).
7. Christopher Troy Parkin’s false representation caused Creditors to sustain the losses described below.
8. As a direct result of Christopher Troy Parkin’s false representations, Creditors sustained a loss relating to their Freedom Hill Road Property of \$127,223.22.
9. As a direct result of Christopher Troy Parkin’s false representations, Creditors sustained a loss relating to their Property located at 6092 West 13400 South, Salt Lake City, Utah of \$7,591.17.

10. As a direct result of Christopher Troy Parkin's false representations, Creditors were required to incur attorney fees and costs involved with third party litigation in the amount of \$109,395.61.
11. The Real Estate Purchase Contract entered into between the Debtor, Christopher Troy Parkin and Creditors contains a provision that entitles the prevailing party to costs and reasonable attorney fees.
12. Creditors are entitled to reimbursement of their reasonable attorney fees and costs pursuant to *Cohen v. De La Cruz*, 523 U.S. 213 (1998).
13. Creditors incurred costs while litigating this adversary proceeding of \$388.64 and incurred attorney fees while litigating this adversary proceeding of \$13,488.14.
14. Creditors are entitled to a judgment that is excepted from Christopher Troy Parkin's discharge in the amount of \$258,086.78.

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SERVICE LIST

Service of the foregoing **Findings and Conclusions** will be effected through the Bankruptcy Noticing Center to the following parties.

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Hobbs & Olson, LC
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Salt Lake City, UT 84111

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Sandy, UT 84070

Christopher Troy Parkin
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ORDER SIGNED